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Attorneys for Plaintiff EXDS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN JOSE DIVISION)

In re:

Case No. C05-787 PVT.

EXDS, INC. (f/k/a EXODUS  
COMMUNICATIONS, INC.), et al.,

Debtor.

**STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING ON  
DEVCON CONSTRUCTION'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
ON COUNT VI (PREFERENCE CLAIM)  
OF EXDS' FIRST AMENDED  
COMPLAINT**

EXDS, INC. (f/k/a EXODUS  
COMMUNICATIONS, INC.).

Plaintiff.

Judge: Honorable Patricia V. Trumbull

Place: Courtroom 5, 4th Floor

DEVCON CONSTRUCTION, INC.,  
SHARP DEVELOPMENT COMPANY,  
INC. and SHARP LAFAYETTE, LLC

## Defendants.

1       The parties to this action hereby agree that this Stipulation be entered, subject to the approval  
2 of the Court, as follows:

3       WHEREAS the hearing on Devcon's Motion for Partial Summary Judgment on Count VI  
4 (Preference Claim) of EXDS' First Amended Complaint (the "Motion") is currently set for June 14,  
5 2004 at 10:00 a.m.;

6       WHEREAS counsel for EXDS has requested that the June 14 hearing be continued due to a  
7 family emergency;

8       IT IS HEREBY STIPULATED AND AGREED THAT, subject to Court approval, the hearing  
9 on Devcon's Motion shall be continued from June 14, 2005 to July 12, 2005 at 10:00 a.m.

10      STIPULATED AND AGREED:

13      Dated: June 13, 2005

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

15      By: \_\_\_\_\_ /s/

16                    Kenneth E. Keller  
17                    Attorneys for EXDS, Inc.

18      Dated: June 13, 2005

MILLER, MORTON, CAILLAT & NEVIS, LLP

20      By: \_\_\_\_\_ /s/

21                    Christopher J. Hersey  
22                    Attorneys for Devcon Construction, Inc.

## **ORDER**

The parties having stipulated, and good cause appearing, the hearing on Devcon's Motion for Partial Summary Judgment On Count VI (Preference Claim) Of EXDS' First Amended Complaint is continued to July 12, 2005 at 10:00 a.m.

## IT IS SO ORDERED.

Dated: 6/14/05

/s/ Patricia V. Trumbull

THE HON. ~~XXXX~~ MAGISTRATE JUDGE  
PATRICIA V. TRUMBULL